

REMARKS

By this Amendment, Applicant amends claims 1-4 and 13, and cancels claims 6-12 and 14-16, without prejudice or disclaimer of the subject matter thereof.¹ Upon entry of this Amendment, claims 1-4, 13, and 17 remain pending.

In the final Office Action, the Examiner rejected claims 1, 7, 13, and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,189,106 to Anderson ("Anderson"); rejected claims 1-3, 7-9, and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,408,395 to Sugahara et al. ("Sugahara") in view of U.S. Patent Application Publication No. 2003/0009705 to Thelander et al. ("Thelander") and further in view of Anderson; rejected claims 4, 6, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander, Anderson, and U.S. Patent No. 6,928,567 to Nakai ("Nakai"); rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander, Anderson, and Japanese Patent Application Publication No. 11-110085 to Yamanaka et al. ("Yamanaka"); and rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander, Anderson, and Yamanaka.²

Regarding the Rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1, 7, 13, and 16 under 35 U.S.C. § 102(b) as being anticipated by Anderson. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

¹ Support for the amendments may be found at, for example, page 9, line 20-page 10, line 3, and page 13, lines 18-21, of the specification.

² The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, "a time zone setting unit configured to set a time zone, the time zone being a power consumption concentrating time zone; and a control unit configured to carry out an operation mode changeover to select the second operation mode when current time is in the time zone set by the time zone setting unit." Anderson fails to disclose at least these features of amended claim 1.

Anderson discloses that "[a]n event is scheduled to occur at a predetermined time, and a determination is made from the scheduled event an optimal operational setting at which to set the computer-based information handling system or electronic device during the scheduled event." Anderson, Abstract. "The future event may be any known or predetermined operation, function, or use of computer-based information handling system 100 of FIG. 1, or any known or predetermined operation, function or action of a user of computer-based information handling system, to occur at a predetermined time. For example, a three hour airplane flight may be scheduled on the third day of March at 10:00 a.m. during which computer-based information handling system 100 may be used, for example to prepare a report." Anderson, Col. 4, lines 34-43, emphasis added. However, Anderson's mere mention of a future event related to computer operation does not constitute "a time zone setting unit configured to set a time

zone, the time zone being a power consumption concentrating time zone," as recited in amended claim 1 (emphasis added).

In fact, Anderson fails to mention any time-zone setting. Anderson's power management scheduling based upon a general event does not constitute "a control unit configured to carry out an operation mode changeover to select the second operation mode when current time is in the time zone set by the time zone setting unit," as recited in amended claim 1.

Therefore, Anderson fails to disclose each and every element of amended claim 1. 1. Anderson thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1.

Further, amended independent claim 13, while of different scope, includes similar recitations to those of amended claim 1. Amended claim 13 is therefore also allowable for at least the same reasons stated above. Applicant also respectfully requests withdrawal of the Section 102(b) rejection of amended claim 13. Because claims 7 and 16 have been canceled, the Section 102(b) rejection of claims 7 and 16 is moot.

Regarding the Rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 1-3, 7-9, and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander and Anderson, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness based on combination or suggestion of prior art, "Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference,

with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. § 2143.A (8th edition, revision 6).

As set forth above, Anderson fails to teach or suggest at least “a time zone setting unit configured to set a time zone, the time zone being a power consumption concentrating time zone; and a control unit configured to carry out an operation mode changeover to select the second operation mode when current time is in the time zone set by the time zone setting unit,” as recited amended claim 1. Sugahara and Thelander also fail to teach or suggest at least these features of amended claim 1.

The Examiner acknowledged that “Sugahara does not explicitly teach a time setting unit that is included in the electronic apparatus for setting time zone information based on an input from a user for carrying out each operation of the electronic apparatus.” (Office Action at 5.) Thelander fails to cure the deficiencies of Sugahara and Anderson.

Thelander teaches that “a power management profile may include one or more groups of power settings, together with a schedule for implementing those power settings.” Thelander, para. [0046]. Further, “the interface 401 may, for example, permit the user to modify the settings in fields 445 and/or 447 and 449, or provide an override button that allows the user to override implementation of the power management profile.” Thelander, para. [0048].

However, Thelander’s teaching of merely changing power settings does not constitute “a time zone setting unit configured to set a time zone, the time zone being a power consumption concentrating time zone; and a control unit configured to carry out

an operation mode changeover to select the second operation mode when current time is in the time zone set by the time zone setting unit," as recited amended claim 1 (emphasis added).

Therefore, none of Sugahara, Thelander, and Anderson, taken alone or in any reasonable combination, teaches or suggests all claim elements of amended claim 1. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of amended claim 1. Because claims 2 and 3 depend from claim 1, Applicant also requests withdrawal of the Section 103(a) rejection of claims 2 and 3 for at least being dependent from an allowable base claim.

Further, amended independent claim 13, while of different scope, includes similar recitations to those of amended claim 1. Amended claim 13 is therefore also allowable for at least the same reasons stated above. Applicant also respectfully requests withdrawal of the Section 103(a) rejection of amended claim 13. Because claims 7-9 and 14-16 have been canceled, the Section 103(a) rejection of claims 7-9 and 14-16 is moot.

Applicant respectfully traverses the rejection of claims 4, 6, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander, Anderson, and Nakai. Because claims 6, 10, and 12 have been canceled, the Section 103(a) rejection of claims 6, 10, and 12 is moot.

Claim 4 depends from amended claim 1. As set forth above, Sugahara, Anderson, and Thelander fail to teach or suggest at least the above listed features of amended claim 1. Nakai fails to cure the deficiencies of Sugahara, Anderson, and Thelander.

The Examiner alleges that “Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20].” (Office Action at 7.) Even assuming the Examiner’s allegation is true, which Applicant does not concede, Nakai fails to teach or suggest at least the above listed features recited in amended claim 1 and required by its dependent claim 4.

Therefore, none of Sugahara, Anderson, Thelander, and Nakai, taken alone or in any combination, teaches or suggests all elements required by claim 4. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 4.

Applicant respectfully traverses the rejection of claims 11 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Thelander, Anderson, and Yamanaka. Because claim 11 has been canceled, the Section 103(a) rejection of claim 11 is moot.

Claim 17 depends from claim 1. Yamanaka also fails to cure the above deficiencies of Sugahara, Anderson, and Thelander with respect to amended claim 1. The Examiner alleges that “Yamanaka further teaches operating in a quiet mode when CPU cooling is performed by clock throttling rather than utilizing the CPU fan [abstract].” (Office Action at 8.) Even assuming the Examiner’s allegation is true, which Applicant does not concede, Yamanaka fails to teach or suggest at least the above listed features recited in amended claim 1 and required by dependent claim 17.

Therefore, none of Sugahara, Anderson, Thelander, and Yamanaka, taken alone or in any combination, teaches or suggests all claim elements required by claim 17. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 17.

Conclusion

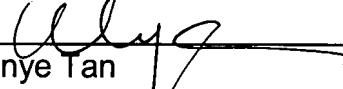
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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